

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

GUY CARPENTER & COMPANY, LLC and )  
MARSH & McLENNAN COMPANIES, INC., )

Plaintiffs, )

v. )

JULIAN SAMENGO-TURNER, RON )  
WHYTE, and MARCUS HOPKINS, )

Defendants. )

Case No. 07 - CV- 3580 (DC)

**SUPPLEMENTAL DECLARATION  
OF JOHN P. BARRY**

I, John P. Barry, hereby declare:

1. I am a member of Proskauer Rose LLP, attorneys for defendant Ron Whyte (“Defendant”) in the above-captioned matter. I submit this supplemental declaration in further support of Defendant’s motion to dismiss Plaintiffs’ Complaint.

2. Attached hereto as Exhibit 18 is a true and correct copy of the transcript of the proceedings of June 6, 2007 before Mr. Justice David Steel of the Royal Court of Justice, Queen’s Bench Division, London, in the matter of *Julian Samengo Turner, Ron Whyte and Marcus Hopkins v. Marsh Services & Others*, No. 2007945 (the “U.K. Action”).

3. After Mr. Whyte’s application for an anti-suit injunction was denied, he has sought leave to appeal in England. Attached hereto as Exhibit 19 is a true and correct copy of the June 14, 2007 letter to the Court of Appeal in the U.K. Action by Andrew Hochhauser QC and Claire Blanchard, U.K. counsel for Julian Samengo-Turner, Ronald Whyte, and Marcus Hopkins.

4. Attached hereto as Exhibit 20 is a true and correct copy of the Grounds of Appeal from the Order of Hon. Mr. Justice Steel of June 6, 2007.

5. Attached hereto as Exhibit 21 is a true and correct copy of the Skeleton Argument on Behalf of Appellants Julian Samengo-Turner, Ronald Whyte, and Marcus Hopkins filed on June 14, 2007 with the Court of Appeal.

6. Attached hereto as Exhibit 22 is a true and correct copy of the Draft Order submitted to the Court of Appeal on behalf of Julian Samengo-Turner, Ronald Whyte, and Marcus Hopkins.

7. In furtherance of their affirmative claims for expedited discovery, Plaintiff Marsh filed a cross-application before the High Court. Attached hereto as Exhibit 23 is a true and correct copy of the Skeleton Argument of the First Defendant (“MSL”) and the Third Defendant (“MMC”) in Support of Their Cross-Applications, dated 1 June 2007, and filed on behalf of Plaintiffs with the High Court of Justice, Queen’s Bench Division, Commercial Court. That application remains pending to this day.

8. Attached hereto as Exhibit 24 is a true and correct copy of the Skeleton Argument of the Defendants in Response to the Claimants’ Application for an Anti-Suit Injunction, filed on behalf of Plaintiffs on June 4, 2007 with the High Court of Justice, Queen’s Bench Division, Commercial Court.

9. Attached hereto as Exhibit 25 is a true and correct copy of the May 29, 2007 letter to me from Kramer Levin Naftalis & Frankel LLP, U.S. attorneys for Plaintiffs in this action.

10. Mr. Whyte’s supplemental interrogatory answers and document responses were delivered to Plaintiffs’ New York and U.K. counsel early on June 13 and the deposition of Mr. Whyte was completed on June 14, 2007. This discovery was provided under Plaintiffs’ counsel’s assurance that this “will not suggest that that is a submission to the New York jurisdiction.” *See* Exhibit 18, Tr. 100:2-8.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: London, United Kingdom  
June 15, 2007

/s/ *John P. Barry*

John P. Barry